

**In the United States District Court
For the Southern District of Georgia
Brunswick Division**

DENNIS J. JOHNSON,

Plaintiff,

v.

SHAUN STANLEY,

Defendant.

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CIVIL ACTION NO.: 2:18-cv-117

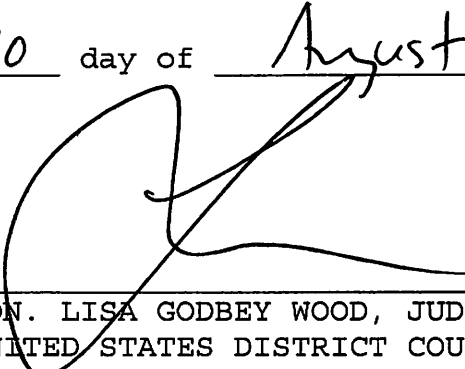
ORDER

Presently before the Court is Plaintiff's Motion for an Extension of Time and/or Motion to Dismiss Without Prejudice. Dkt. No. 19. Plaintiff failed to file timely objections to the Magistrate Judge's Report and Recommendation that his Complaint be dismissed. Dkt. No. 14. Due to a tornado that hit the Federal Correctional Institution in Estill, South Carolina, in April, where Plaintiff was incarcerated when he commenced this case, Plaintiff was evacuated and lost his personal property. Dkt. No. 19, p. 3. Plaintiff avers he cannot file objections without his personal property, and he does not expect to receive such property for an indefinite period of time. Id., p. 4. Accordingly, Plaintiff asks for an extension of "six months to a

year" to file objections or, alternatively, to dismiss the case without prejudice. Id.

The Court **DENIES** Plaintiff's Motion for an Extension, for he fails to explain how additional time or discovery would help him address the Magistrate Judge's recommendation for dismissal based on *res judicata*. Furthermore, the Court construes Plaintiff's request in the alternative as a Motion to Dismiss under Rule 41(a)(2). Rule 41(a)(2) provides that "an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper. Unless the order states otherwise, a dismissal under this paragraph . . . is without prejudice." Therefore, the Court **GRANTS** Plaintiff's Motion to Dismiss and **DISMISSES** without prejudice this action pursuant to Federal Rule of Civil Procedure 41(a)(2). The Court **DIRECTS** the Clerk of Court to enter the appropriate judgment of dismissal and to **CLOSE** this case.

SO ORDERED, this 10 day of August, 2020.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA